

## **REMARKS**

The following remarks are submitted to address the issues raised in the Office Action mailed January 12, 2005. Claims 1, 3, 4, 7, 8, 10-12, 14-20, 22, 23, 26-28, and 29-38 are currently pending in the application, claims 2, 5, 6, 9, 13, 21, 24, and 25 having been cancelled, and claims 29-38 having been added by the foregoing amendments.

### **Claim Objections and Rejections:**

Claims 4, 8, 19, and 23 stand objected to because of informalities. Claims 16-20 and 22-28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-8, 11, and 21-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 05617082 (hereinafter “EP”). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Ko et al. (hereinafter “Ko”). Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Fleischer. Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Krystos. Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Zalud et al. (hereinafter “Zalud”). Claims 26-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Breed et al. (hereinafter “Breed”).

### **Allowable Subject Matter:**

Claims 9 and 12 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 16-20 stand rejected under 35 U.S.C § 112, second paragraph, but would be allowable if rewritten to overcome the rejection and to include all of the limitations of the base claim and any intervening claims.

Applicant respectfully requests consideration of the application in view of the foregoing amendments and following remarks.

**Claim Amendments:**

Claim 1 has been amended to include all the limitations of claims 5, 6, and 9. Claim 14 has been amended to include the limitations of claim 13. Claim 22 has been amended to include the limitations of claims 5, 6, 11, and 12. Claims 4, 8, 19, and 23 have been amended to correct informalities. Claims 7, 10, 11, 14, 17-20, and 26 have been amended to correct dependency in light of cancelled claims. New claims 29-38 have been added to more clearly define Applicant's claimed invention.

**Objection to claims 4, 8, 19, and 23**

Claim 4 has been amended to change "axis" to "axes". Claim 8 has been amended to insert "a" before "bandpass". Claim 19 has been amended to insert "is" after "interrogator". Claim 23 has been amended to delete "a" before "electrical".

**Rejection of claims 16-20 and 22-28 -- 35 U.S.C. § 112, second paragraph**

Claims 16-20 and 22-28 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is believed to be rendered moot by the foregoing amendments.

Support for "the microcontroller" in claim 16 can now be found in claim 1, line 6. Support for "the accelerometer signal" in claim 22, line 7 can now be found in claim 22, line 4

**Rejection of claims 1-8, 11, and 21-24 – 35 U.S.C. §102(b)**

Claims 1-8, 11, and 21-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 05617082 (hereinafter “EP”). This rejection is believed to be rendered moot by the foregoing amendments.

Independent claims 1 and 22 have been rewritten to include the limitations of original claims 9 and 16, respectively, including the limitations of any intervening claims, which the Examiner indicated would be allowable. As such, these claims contain limitations not found in EP.

Nowhere does EP, or any other prior art, disclose or suggest a hub odometer as claimed in claim 1 with an electronic control system comprising a microcontroller and a power source for interpreting the signal from the accelerometer and calculating wheel rotations, wherein said microcontroller is programmed with power control means to reduce the power consumed by the electronic system. As such, EP fails to anticipate claim 1.

Nowhere does EP, or any other prior art, disclose or suggest a method for counting wheel revolutions as claimed in claim 22 which provides an RF communication system comprising an interrogator remote from the wheel, and an RF tag in communication with the electronic control system, and said RF communication system communicates said odometer data to a remote location. As such, EP fails to anticipate claim 22.

For these reasons, independent claims 1 and 22 are in condition for allowance. Claims 2-8, 11, 23, and 24 are allowable as they contain the limitations of the claims upon which they depend including an allowable base claim. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 1-8, 11, and 21-24.

**Rejection of Claim 10 -- 35 U.S.C. § 103(a)**

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Ko. This rejection is respectfully traversed.

For at least the reasons stated above, EP does not teach or suggest independent claim 1 of the present application. Therefore, the undersigned respectfully submits that independent claim 1 is allowable over the cited art. Further, dependent claim 10 is also allowable as it contains the limitations of the claim on which it depends.

Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claim 10.

**Rejection of claims 13 and 14 – 35 U.S.C. §103(a)**

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Fleischer. The rejection of claim 13 is rendered moot by the cancellation of that claim. The rejection of claim 14 is respectfully traversed.

For at least the reasons stated above, EP does not teach or suggest independent claim 1 of the present application. Therefore, the undersigned respectfully submits that independent claim 1 is allowable over the cited art. Further, dependent claim 14 is also allowable as it contains the limitations of the claim on which it depends.

Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claim 14.

**Rejection of claim 15 – 35 U.S.C. §103(a)**

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Krystos. This rejection is respectfully traversed.

For at least the reasons stated above, EP does not teach or suggest independent claim 1 of the present application. Therefore, the undersigned respectfully submits

that independent claim 1 is allowable over the cited art. Further, dependent claim 15 is also allowable as it contains the limitations of the claim on which it depends.

Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claim 15.

**Rejection of claim 25 – 35 U.S.C. §103(a)**

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP in view of Zalud et al. (hereinafter “Zalud”). This rejection is rendered moot by the cancellation of claim 25.

**Rejection of claims 26-28 – 35 U.S.C. §103(a)**

Claims 26-28 stand rejected under 35. U.S.C. § 103(a) as being unpatentable over EP in view of Breed et al. (hereinafter “Breed”). This rejection is respectfully traversed.

For at least the reasons stated above, EP does not teach or suggest independent claim 22 of the present application. Therefore, the undersigned respectfully submits that independent claim 22 is allowable over the cited art. Further, dependent claims 26-28 are also allowable as they contain the limitations of the claim on which they depend.

Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 26-28.

**Newly Presented Claims**

Newly presented independent claims 29 and 35 reflect combinations of the original claims 12 and 16, respectively, rewritten in independent form including the limitations of any intervening claims as was indicated to be allowable by the

Examiner. Applicant agrees with the Examiner's indication of allowability as these claims recite limitations not found in EP or any other prior art.

**Conclusion**

Applicant respectfully requests early consideration of the present application, entry of all amendments herein requested, and allowance of all pending claims.

The Examiner is respectfully invited to contact Todd W. Galinski at (336) 607-7448, to discuss any matter relating to this application.

Respectfully submitted,

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